

Applicants' invention. See Col. 2, line 53.) Thus, Kanbe could not possibly render obvious Applicants' invention.

Second Additional Reason Kanbe Teaches Away from Applicants' Invention

Kanbe Figs. 5A and 5B purport to show data pertaining to a disk comprising:

1. An Al-Mg alloy substrate plated with NiP;
2. A first Cr underlayer deposited on the NiP;
3. A second underlayer made of Cr-40 at. % Mo alloy deposited on the first Cr underlayer with varying amounts of boron added thereto;
4. Co hcp alloy layers deposited on the second underlayer.

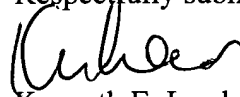
See Kanbe col. 22, line 66 to col. 23, line 18. Kanbe discovered that noise can be decreased by adding boron to the second underlayer if the B content "is set at 2 at % to 10 at %." Kanbe col. 23, lines 45-46. Even though a) Kanbe experimented with having a plurality of Cr underlayers in a magnetic disk, b) he realized that adding boron to a Cr alloy in an amount greater than 2% could shrink the crystal size and thereby reduce noise; and c) he wanted to reduce noise, he never realized that one could reduce noise even more by placing a substantially boron-free bcc Cr layer over his boron-containing Cr alloy. This demonstrates that one of ordinary skill in the art, seeking to reduce noise, would be led by Kanbe to put boron in the uppermost Cr layer. One of ordinary skill would have no reason to depart from Kanbe's teachings and put boron in a Cr bcc layer underneath another Cr bcc layer.

Third Additional Reason Kanbe Teaches Away from Applicants' Invention

Even if one were to accept the argument that Kanbe Fig. 5A suggests that one can achieve higher Hc with no boron, that still does not suggest Applicants' claimed invention. As demonstrated by the declarations of Gerardo Bertero, a boron concentration of about 1% will not appreciably reduce grain size (Kanbe's noise reduction mechanism). Therefore, one skilled in the art, given Kanbe and seeking to increase Hc, would be led away from providing any boron in his underlayers. There is no reason he would include boron in a concentration of about 1% because that would not provide advantages (i.e. noise reduction due to appreciably reduced grain size). There is certainly no reason one skilled in the art would include a boron-containing second underlayer and a substantially boron-free third underlayer because Kanbe does not suggest that there would be anything to gain.

As stated in the previously filed declarations by Dr. Bertero, boron is often added to a bcc Cr underlayer in the disk industry, but *not* in an amount less than 2%. It is clearly not an obvious thing to do.

For at least the foregoing reasons, Applicants' invention distinguishes over the cited art. If the Examiner's next action is other than allowance, the Examiner is respectfully requested to telephone Applicants' attorney at (408) 732-9500.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Sept 30, 2006.

9/30/06
Date

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Signature